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Attorneys for the Hays Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

VIVIAN R. HAYS, an individual, et al.

Plaintiffs,

vs.

COMMONWEALTH LAND TITLE  
 INSURANCE COMPANY, a Nebraska  
 corporation, et al.,

Defendants.

Case No.: C 10-05336 JSW

**Assigned to the Hon. Jeffrey S. White**

**JOINT STIPULATION AND  
~~[PROPOSED]~~ ORDER TO SHORTEN  
 TIME FOR HEARING ON PLAINTIFFS'  
 MOTION FOR PRELIMINARY  
 APPROVAL OF THE \$11 MILLION  
 SETTLEMENT**

**Current Date: July 20, 2012**

**Requested Date: June 22, 2012**

Pursuant to Local Rule 6-2, the parties request an order shortening time for the hearing on Plaintiffs' Motion for Preliminary Approval of the \$11 million Class Settlement from July 20, 2012 to June 22, 2012, or to the earliest date thereafter as the matter may be heard.

WHEREAS on May 15, 2012, Plaintiffs filed a motion to preliminarily approve an \$11 million class-wide settlement (the "Class Settlement") with the Defendants in the above-captioned matter, setting the hearing date for July 20, 2012, which was the first available date. (Dkt. No. 38);

WHEREAS a \$36.8 settlement has been reached in the related bankruptcy matter<sup>1</sup> (the "Bankruptcy Settlement") which is contingent only upon the final approval of the Class

<sup>1</sup> The Bankruptcy proceeding referred to herein is *In re LandAmerica Financial Group Inc.*, United States Bankruptcy Court for the Eastern District of Virginia, Case No. 08-35994-KRH.

WHEREAS the underlying economic loss at issue in this litigation occurred in 2008 and the parties desire an expedited hearing on the Class Settlement so that the \$38.6 million Bankruptcy Settlement may be distributed to the settlement class members prior to the end of the current calendar year;

WHEREAS the Class Settlement is contingent upon the court's final approval and the date currently set for that hearing is November 16, 2012. If the July 20 hearing is advanced to June 22, final approval may be obtained as early as mid-October 2012, making it possible to distribute the funds by the close of 2012.

Therefore, the Parties **HEREBY STIPULATE AND AGREE** that the July 20, 2012 hearing date on Plaintiffs' Motion for Preliminary Approval of the \$11 million Settlement should be moved to June 22, 2012, and hereby request an order from the court changing the hearing date to June 22, 2012, or to the earliest date thereafter as the matter may be heard.

I, Robert L. Brace, attest that concurrence in the filing of this document has been obtained from the other signatory.

Respectfully submitted,

Dated: May 30, 2012

HOLLISTER &amp; BRACE

By: /s/  
Robert L. Brace  
Counsel for the Hays Plaintiffs


Dated: May 30, 2012

LITTLER MENDELSON P.C.

By: /s/  
Margaret Keane  
Counsel for the Defendants

PURSUANT TO STIPULATION, and good cause appearing, IT IS ORDERED that the  
July 6  
July 20, 2012 hearing date is moved to ~~June 22~~, 2012.

Dated this 31 day of May, 2012

  
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HON. JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE